

## REMARKS

In the Office Action of January 23, 2009, claims 1, 2, 4-12 and 14-20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over European Patent Application No. EP 0589552 A2 (“Rom”) in view of European Patent Application No. EP 0851633 A2 (“Hendrik”).

In response, Applicant has amended the independent claims 1 and 11 to more clearly distinguish the claimed invention from the cited references. Claims 2, 5, 14, 18 and 20 have also been amended to correct minor informalities. Support for the amendment of claims 1 and 11 can be found at least on page 4, lines 15-24, of the specification. As amended, the independent claims 1 and 11 are not obvious over Rom in view of Hendrik, as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1, 2, 4-12 and 14-20 be allowed.

### A. Patentability of Amended Independent Claims 1 and 11

As amended, the independent claim 1 recites in part “*wherein the trigger event is determined based in part on a determination of a direction of movement of the mobile device by the first access point by estimating a location of the mobile device using one or more reports from at least one switch-assist device that monitors communications from the mobile device, the location of the at least one switch-assist device being known to the first access point,*” which is not disclosed in the cited references of Rom and Hendrik. Thus, the amended independent claim 1 is not obvious in view of these references. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

The cited reference of Rom discloses a method and apparatus for maintaining connectivity of nodes in a wireless local area network. In particular, Rom discloses a process of transferring a node from a first access point to a second point, as described

with reference to the flow diagram of Fig. 3A. This transfer process involves the access points and the node being transferred. However, this transfer process of Rom does not involve *“using one or more reports from at least one switch-assist device that monitors communications from the mobile device,”* as recited in the amended independent claim 1. In fact, Rom fails to disclose any switch-assist devices, as recited in the independent claim 1. Consequently, Rom fails to disclose the above-identified limitation of the amended independent claim 1.

The cited reference of Hendrik discloses a system and method for achieving handover in wireless LAN by buffering data at subsequent access point. With reference to Figs. 1 and 2, Hendrik discloses a process of transferring a mobile station from a first access point to a second point. Similar to Rom, this transfer process of Hendrik involves the access points and the mobile device being transferred. Thus, Hendrik also does not disclose *“using one or more reports from at least one switch-assist device that monitors communications from the mobile device,”* as recited in the amended independent claim 1. Consequently, Hendrik also fails to disclose the above-identified limitation of the amended independent claim 1.

Since both Rom and Hendrik fail to disclose the claimed limitation with respect to *“at least one switch-assist device,”* the amended independent claim 1 is not obvious over Rom in view of Hendrik. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

The above remarks are also applicable to the amended independent claim 11, which includes limitations similar to those of the amended independent claim 1. Thus, the amended independent claim 11 is also not obvious over Rom in view of Hendrik. As such, Applicant respectfully requests that the amended independent claim 11 be allowed as well.

#### B. Patentability of Dependent Claims 2, 4-10, 12 and 14-20

Each of the dependent claims 2, 4-10, 12 and 14-20 depends on one of the amended independent claims 1 and 11. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that  
5 these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.  
10

Respectfully submitted,  
Parag Garg

15 Date: April 23, 2009

By: /thomas h. ham/  
Thomas H. Ham  
Registration No. 43,654  
Telephone: (925) 249-1300